

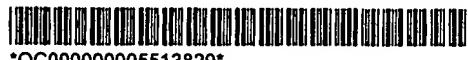
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/327,266	06/07/1999	ROE-HOAN YOON	MCT-2

JAMES W HINEY ESQ  
1872 PRATT DRIVE  
SUITE 1100  
BLACKSBURG, VA-24060

**ABANDONMENT/TERMINATION  
LETTER**



'OC00000005513829'

Date Mailed: 10/30/2000

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/15/1999.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



12-07-00

DAC #6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 08 2000

OFFICE OF PETITIONS

Inventor: Roe-Hoan Yoon

Serial No. 09/327,266

Title: Methods for Enhancing Fine Particle Dewatering

Filed: June 7, 1999

**RESPONSE TO NOTICE OF ABANDONMENT OF APPLICATION**

Honorable Commissioner of Patents & Trademarks  
Washington, D. C. 20231

Dear Sir,

In response to the Abandonment Letter forwarded on Oct. 30, 2000 to the undersigned the applicant responds as follows.

The case was originally filed with a proper Declaration a copy of which is attached as Exhibit A together with a copy of the Small Entity Form ( Exhibit B ) and a Transmittal Letter (Exhibit C ). The date of filing of the original Declaration was June 4, 1999 as is indicated on the Certification of Mailing on the Transmittal letter and the inventor signature dates on both the Declaration and the Small Entity form.

When the Notice to File Missing Parts document ( Exhibit D, sent July 15, 1999 ) was received, the undersigned called the Patent Office and notified them that the case was filed with a Declaration. He was told that the Office would get back to him. When the Office did not get back to him, he again called and was told that it was OK and that the Declaration had been found. This was in mid-November, 1999. The Office said it would send a clarification outlining the mistake. By this time, the inventor had executed another declaration ( Exhibit E ) which the undersigned had intended to file if no explanation was forthcoming. Not having heard from the Patent Office in months the decision was made to file the second declaration.

Consequently, the undersigned filed the second Declaration with a check for \$65.00 with a Payment of Additional Fee Letter on May 17, 2000 ( Exhibit F ). The

check ( Exhibit G ) was cashed by the Patent Office and nothing was heard until the Notice of Abandonment Letter was received in the Blacksburg Office in mid November and forwarded up to the Middleburg office on Friday, Nov. 18, 2000.

Copies of all the Exhibits referred to are attached hereto. It is the undersigned's belief that the applicant's application should not have been abandoned since (1) the case as originally filed had a declaration therein and (2) a subsequent declaration was filed on May 17<sup>th</sup> of this year. It is further urged that applicant should not have to pay a petition fee for revival of the application as the error was that of the Patent Office in losing the original declaration. THREE declarations have now been filed with this application and the Office is requested to make such a finding quickly (as applicant is in negotiations concerning this invention ), designate the initial filing as proper, and return the fees paid herewith to the Applicant.

Filed herewith is a Petition with accompanying fee under 37 CFR 1.137 (b) requesting that the application be revived on the grounds of UNINTENTIONAL DELAY together with the requisite fee and a statement that the entire delay was unintentional with yet a third declaration executed by the applicant.

If the Office of Petitions should find any item not included in this petition which should be included please contact the undersigned immediately.

Respectfully submitted,

James W. Hiney, Esq.  
Attorney for Applicant  
1872 Pratt Drive, Suite 1100  
Blacksburg, VA 24060  
(540) 552-4400  
Reg. No. 24, 705

Dated December 6, 2000  
Enclosures: Petition, check and exhibits

#### CERTIFICATION

I, James W. Hiney, do hereby certify that a copy of this RESPONSE TO ABANDONMENT OF APPLICATION together all Exhibits and with a PETITION TO REVIVE with the requisite fee was forwarded to the Commissioner of Patents & Trademarks, Washington, D. C. 20231, by depositing said documents with the U. S. Postal Service, Express Mail postage prepaid, this 6th day of December, 2000.

JAMES W. HINEY

yoon68doc

## POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office addressee and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled, Methods of Enhancing Fine Particle Dewatering the specification of which is attached hereto, and which was filed in the United States Patent & Trademark Office on June 4, 1999.

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, code of Federal Regulations, para. 1.56 (a).

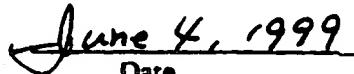
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint James W. Hiney, Esq., a member of the bars of the District of Columbia and the Commonwealth of Virginia and the U. S. Patent Office, Reg. No. 24,705, with offices at 1872 Pratt Drive, Suite 1100, Blacksburg, VA 24060 as our attorney to prosecute this application to issue with full power of substitution and revocation, to transact all business with the U. S. Patent and Trademark Office in connection herewith and to receive the Patent Grant.



(Seal)

Roe-Hoan Yoon  
2909 Wakefield Drive  
Blacksburg, VA 24060  
Citizen of U. S. A.



Date

EXHIBIT B

## FORM1.DOC

Application for U. S Patent by : Minerals and Coal Technology, Inc.  
Attorney Docket No. MCT 2  
For: Methods of Enhancing Fine Particle Dewatering

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 CFR 1.9 (f) and 1.27 (c) -- SMALL BUSINESS CONCERN

I hereby declare that I am the President of the small business concern identified as Mineral & Coal Technology, Inc. of 2909 Wakefield Drive, Blacksburg, VA 24060, a corporation of Virginia and the assignee of the above mentioned application.

I hereby declare that the above identified small business concern qualifies as a small business concern and defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, in that the number of employees for the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business is the average over the previous fiscal year of the concern of the persons employed on a full-time basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties control or has the power to control both.

I also hereby declare that rights under contract or law have been exclusively conveyed to and remain with the small business concern identified above with regard to the invention, entitled Methods of Enhancing Fine Particle Dewatering as described in the specification filed herewith.

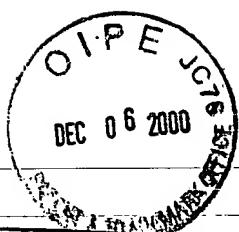
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting from loss of entitlement to small entity status prior to paying, or at any time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 19 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing Roe Hoan Yoon  
Address of person signing 2909 Wakefield Drive, Blacksburg, VA 24060

Signature R. H. Yoon

Date June 4, 1999



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

EXHIBIT D

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/327,266	06/07/99	YODON	R MCT-2
JAMES W HINEY ESQ 1872 PRATT DRIVE SUITE 1100 BLACKSBURG VA 24060		0242/0715	NOT ASSIGNED
		1724	

DATE MAILED:

07/15/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ~~\$65.00~~ \$130.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed)  non-small entity is \$ 130.*

1. The statutory basic filing fee is:  missing.  insufficient.

*Applicant must submit \$ \_\_\_\_\_ claiming such status (37 CFR 1.27).*

2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

3. The oath or declaration:  is missing or unsigned.  does not cover the newly submitted items.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.*

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

*An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.*

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

*Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).*

9. OTHER: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Roe Hoan Yoon ( Docket MCT 2 )

Serial No: \_\_\_\_\_

Invention: Methods for Enhancing Fine Particle Dewatering

Filed: June 4, 1999

**TRANSMITTAL LETTER**

To: Commissioner of Patents and Trademarks  
Washington, D. C. 20231

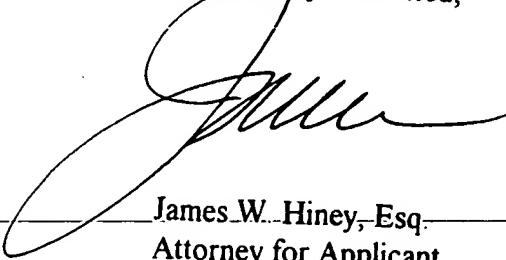
Dear Sir,

Enclosed herewith is a copy of the specification and claims of the above noted invention together with an executed Declaration and Power of Attorney, a Small Business Entity Form, an Information Disclosure Form, and a check for \$ 798.00 to cover the filing fee for a small entity having 5 independent claims and 39 total claims.

**Fee calculation**

Small entity	\$380.00
3 add'l Ind. Cls.	117.00
19 claims over 20	171.00
1 multiple dep. Claim	<u>130.00</u>
total.....	\$798.00

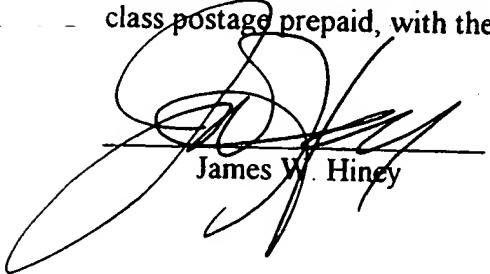
Respectfully submitted,



James W. Hiney, Esq.  
Attorney for Applicant  
Reg. No. 24,705  
1872 Pratt Drive, Suite 1100  
Blacksburg, VA 24060  
ph (540) 552-4400  
Enclosures

#### **CERTIFICATION OF MAILING**

I, James W. Hiney, do hereby certify that a copy of the above application documents, including executed Declaration and small business entity forms, were deposited, with first class postage prepaid, with the United States Postal Service this 4th day of June, 1999.



James W. Hiney

6/4/99  
Date

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As the below named inventor, I hereby declare that:

Mr residence, post office addressee and citizenship are as stated below next to my name. I believe that I am the original and first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled, Methods of Enhancing Fine Particle Dewatering which was filed in the United States Patent & Trademark Office on June 7, 1999 and has received the Serial No. 09/327,266.

I hereby state that I have reviewed and understand the contents of the above identified specification including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, code of Federal Regulations, para. 1.56 (a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint James W. Hiney, Esq., a member of the bars of the District of Columbia and the Commonwealth of Virginia and the U. S. Patent Office, Reg. No. 24, 705, with offices at 1872 Pratt Drive, Suite 1100, Blacksburg, VA 24060 as my attorney to prosecute this application to issue with full power of substitution and revocation, to transact all business with the U. S. Patent and Trademark Office in connection herewith and to receive the Patent Grant.

R. H. Yoon (Seal)  
Roe-Hoan Yoon  
2909 Wakefield Drive  
Blacksburg, VA 24060  
Citizen of U. S. A.

Nov. 6, 99  
Date

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Serial No. 09/327,266

Inventor: Yoon

Title: Methods of Enhancing Fine Particle Dewatering

Filed: June 7, 1999

**PAYMENT OF ADDITIONAL FEE AND SUBMISSION OF  
SECOND DECLARATION**

Hon. Commissioner of Patents & Trademarks  
Washington, D. C. 20231

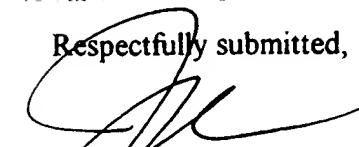
Dear Sir,

Enclosed is a substitute declaration in accordance with the Notice to File Missing Parts of the Application. It should be noted that a declaration WAS filed with the original papers and evidently was lost by the Patent Office.

Also enclosed is a check for \$65.00 additional for a small entity fee.

This being all the items mentioned it is believed that the requirements have been fully satisfied.

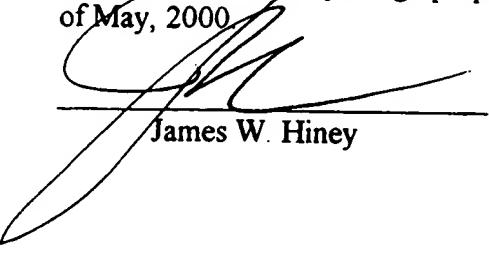
Respectfully submitted,

  
James W. Hiney, Esq.  
Attorney for Applicant  
Reg. No. 24,705

1872 Pratt Drive, Suite 1100  
Blacksburg, VA 24060  
(540) 552-4400

**CERTIFICATE OF MAILING**

I, James W. Hiney, do hereby certify that an executed copy of PAYMENT OF ADDITIONAL FEE AND SUBMISSION OF SECOND DECLARATION was deposited, first class postage-prepaid, with the United States Postal Service, this 17<sup>th</sup> day of May, 2000

  
James W. Hiney

PAY TO THE ORDER OF	JAMES W. HINEY, ATTORNEY 6-91	68-11148 560 60628219	2144
Comm of Patents + Trademarks X Schley - Lee		DATE 5/16/00	
DOLLARS <input checked="" type="checkbox"/>		2144	
FIRST VIRGINIA BANK SERVING NORTHERN VIRGINIA FALLS CHURCH, VIRGINIA 22042		MEMO NO. 105600111816 60628219 2144 100000065000	

EXHIBIT 6  
(2<sup>nd</sup> page)

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FIRST VOLUME IN ENGLISH  
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DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

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13-10-0001  
05-22-2000  
FOR CREDIT TO THE  
U. S. TREASURY  
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ENDORSE HERE